

CITY COUNCIL MINUTES

September 10, 2012

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, September 10, 2012 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Keith Nesbitt, Mike Holmes, William W. Kirby, Bridget Powers, Kevin Hanley

Council Members Absent: none

Staff Members Present: City Manager Robert Richardson, Assistant City Attorney Michael Cobden, Fire Chief Mark D'Ambrogio, Public Works Director Bernie Schroeder, Community Development Director Will Wong, Police Chief John Ruffcorn and Administrative Services Director Andy Heath.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

City Manager Robert Richardson requested item 7 be postponed and removed from this agenda. The remainder of the agenda was approved by consensus of the Council.

CONSENT CALENDAR

1. **Warrants**

By **RESOLUTION 12-100**, ratify and approve payment of warrants 80488 through 80703 totaling \$1,252,492.69.

2. **Minutes**

By **MOTION**, approve the City Council minutes of 7/23/2012 and 8/13/2012.

3. **Quarterly Report of Investments – Quarter Ending June 30, 2012**

Receive, review and file the "*City of Auburn Quarterly Investment Report*" for the quarter ending June 30, 2012.

4. **695 Dairy Road – Acceptance of Public Improvements, Dedication of Right-of-Way and Pedestrian Access Easement**

By **RESOLUTION 12-101**, authorize the Director of Public Works to accept the public improvements, the right-of-way dedication and pedestrian access easement associated with the development at 695 Dairy Road on behalf of the City of Auburn.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar.

MOTION: Powers/ Nesbitt/ Approved 5:0

5. **Public Comment**

Mayor Hanley said he will put an item on the next City Council agenda to discuss the policy of comments made by Council during public comment.

PUBLIC HEARING

6. **Sign Regulations Ordinance/ Temporary Sign Program**

Community Development Director Will Wong presented this item. He reviewed the temporary sign program. He said this meeting acts as a public hearing for the first reading of the sign ordinance. He said six meetings have been held at the Planning Commission level regarding the sign ordinance. He also said all businesses have been contacted regarding proposed changes to the ordinance. He said types of signs, the unique business community, and how to implement the program were all discussed. He said the new ordinance contains a provision for legal non-conforming signs that would apply to all the new standards in the ordinance. He said this sign ordinance consists of updated code sections and definitions, a better legal framework, and clear criteria for permitted and exempt signs. The ordinance also recognizes the uniqueness of Auburn. He reviewed the ordinance and gave examples and reasoning of some of the changes. He addressed neon and electronic window signs and programmable window signs within the historic district in Old Town.

Council Member questions followed regarding (1) legal nonconforming signs, (2) replacement or repair of electronic signs in windows, (3) existing freestanding signs, (4) 30 day timeframe for banners/enforcement, (5) OTBA/DTA current position on sign

ordinance, (6) identifying the major changes to the new ordinance, (7) list of identified businesses with non-conforming signs, (8) mobile sign holders, (9) political signs/temporary non-commercial signs, (10) structural changes on electronic signs, (11) establishing a value for signs, (12) building complex signs, (13) garage sale signs, (14) automobile sales promotional signage, (15) notifications to businesses, (16) painted windows, (17) A-Frame signs and ADA compliance, (18) sign colors and materials, and (19) current complaints on neon window signs.

Gary Moffat, resident and business owner in Auburn, said while the ordinance clearly needs updating, the problem is many of the provisions of the current law are not being enforced by the City. He said he feels many of the changes to the new ordinance are to benefit business owners who are not abiding by the current law. He provided pictures of the storefront of Century 21 and a list of businesses using electronic displays in windows. He asked for the proposed ordinance to be amended to ban electronic monitors and televisions from storefront windows.

Jerry Kopp, resident and business owner in Auburn, spoke about neon signs being phased out. He said a new ordinance is not needed, there have been no complaints, and it is not enforceable.

Joe Labrie, City Clerk and resident of Auburn, spoke about the restrictions on garage and yard sale signs. He also spoke about large misleading "going out of business" signs in other cities.

Dave Johnson, business owner in Auburn, spoke about the need to advertise in his storefront for his type of business. He said he has advertised in that manner for many years.

Mayor Hanley said the Planning Commission held six hearings regarding this item and took a lot of time working on this proposed ordinance.

Council Member Nesbitt said there are times when a-frames and other types of signs show the character and personality of the town. He said he agrees with the commission's recommendation on how to handle electronic signs. He said he respects the deliberations of the Planning Commission and supports their decision.

Council Member Holmes also recognized the hard work by the Planning Commission. He said he is concerned with enforcement not being adequate. He said he is disappointed with the idea that existing businesses must remove long standing signs. He said he cannot

support the new ordinance and would like to see more information on enforcement.

Council Member Powers recognized the work of the Planning Commission and said she supports this ordinance. She said this is part of the future plans of Streetscape and how our City will look.

Council Member Kirby also recognized the Planning Commission for their work. He spoke about work to be completed on the electronic sign section, relaxing regulations on garage sale signs, and real estate business advertising. He said he wants to wait 6-8 months to make the new ordinance effective.

Community Development Director Will Wong said no type of sign is allowed in the public right of way. He said you cannot allow one type of content sign over another (i.e. garage sale signs).

Mayor Hanley addressed the reasoning behind needing a new ordinance, enforcement, the 30 day banner rule, electronic signs, temporary sign regulations, and input from the business community.

There was discussion regarding holding another public hearing before the sign ordinance is finalized. The consensus was to remove the following wording from the motion: "approval of the sign ordinance update as presented in this staff report."

Council Member Powers addressed enforcement of garage sale signage in the right of way.

Council Member Kirby said he would like to see more options and input on the electronic sign portion of the ordinance.

Council Member Holmes said he also would like another public hearing on this topic to receive more input.

Council Member Nesbitt addressed a possible compromise on the neon sign restrictions.

Will Wong addressed the electronic/neon signage issue.

- A. By **MOTION**, introduce and hold a first reading, by title only, of an ordinance repealing Sections 159.185 through 159.207 (entitled Signs), including Appendix B, and adding new sections of the Auburn Municipal Code thereby updating the sign regulations for the City of Auburn, which includes the following actions:

1. Adoption of a Categorical Exemption prepared for the update of the sign ordinance as the appropriate level of environmental review in accordance with Section 15304 (Minor Alterations to Land), Section 15305 (Minor Alterations in the Land Use Limitations) and Section 15311 (Accessory Structures) of the California Environmental Quality Act (CEQA) Guidelines;
2. Adoption of Findings of Fact for approval of the sign ordinance update, as presented in the staff report; and
MOTION: Nesbitt/ Kirby/ Approved 4:1 (Holmes voted no)

The consensus of the Council was to postpone motion B (a resolution regarding the temporary sign requirements terminating) until a future meeting.

COUNCIL BUSINESS

7. Performance Budget Discussion/ Fire Department

Postponed to a future City Council Meeting.

REPORTS

8. City Council Committee Reports

Council Member Nesbitt reported on an upcoming SHAAC meeting. He reported on behalf of PCTPA that Auburn is no longer considered an "Urban Area" designation. He updated the appropriations on RSTP Funds, (Regionally Significant Transportation Projects) and STA (State Transit Assistance) funds. He invited everyone to the Lincoln Bypass Grand Opening on October 5th at 10am.

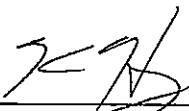
Council Member Holmes reported on the 9/11 Monument to be dedicated tomorrow at 10am. He reported on a "lack of due notice" by staff regarding the Historic Design Review Commission held earlier this month. He reported the SEDCorp JPA authorization is out of date and they are looking at updating it. He also reported the on the unemployment rate in Placer County and Auburn. He reported the Chamber Government Affairs Committee voted to submit a recommendation to the Board of the Chamber of Commerce on the Wild and Scenic issue for the North Fork of the American River. He said there are many unanswered questions regarding this item that need to be addressed before it is approved.

Council Member Powers reported on the Industry 2012 event taking place in October.

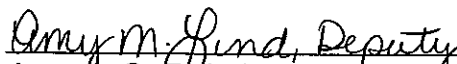
Council Member Kirby reported said PNWA has designated two members to help create an ad hoc committee regarding the regional sewer solution. Mayor Hanley reported on a commendation presented to the Auburn Symphony last weekend during a free concert in the school park preserve.

ADJOURNMENT

Mayor Hanley adjourned with the meeting, without objection, at 7:58 p.m.



Kevin Hanley, Mayor



Joseph G. R. Labrie, City Clerk